

PATENT

Atty. Dkt. No. TEJ/0004

REMARKS

This is intended as a full and complete response to the Office Action dated March 23, 2005, having a shortened statutory period for response set to expire on June 23, 2005. Claims 1-37 are currently pending in the application. Please reconsider the claims pending in the application for reasons discussed below.

Oath/Declaration

The Examiner indicated that the oath or declaration is defective. To overcome the defective oath and declaration, Applicants filed a petition under 37 C.F.R. 1.47 with the United States Patent Office on March 16, 2005.

Specification

The Examiner objected to the abstract of the disclosure because the term "the present invention" is stated in line 1. In response, Applicants have amended the abstract accordingly. Applicants respectfully request the objection to the abstract be removed.

Claim Objections

The Examiner objected to claims 17-18, 20-22, 27-28, and 34 due to informalities. In response, Applicants have amended claims 17-18, 20-22, 27-28, and 34 accordingly. Therefore, Applicants respectfully request the objection to the claims be removed.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 5, 17-20, 22, and 33 as being anticipated by *Dickson, et al.*, US 4,624,315 or *Meaders, et al.*, US 5,249,630. Applicants traverse the rejection. For clarity, Applicants will address each reference individually.

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Dickson, et al. discloses a subsurface safety valve (SSV) with a temporary lockout sleeve (50). In operation, a lockout tool (51) is positioned in the SSV to move the lockout sleeve (50) from a first position where a flapper valve member (31) is free to open and close to a second position where the lockout sleeve (50) holds the flapper valve member (31) open. (See *Dickson, et al.*, col. 4, lines 52-56) Thereafter, the lockout sleeve (50) may be moved from the second position to the first position to allow the flapper valve member (31) to open and close again. (See *Dickson, et al.*, col. 10, lines 43-54) Nowhere does *Dickson, et al.* disclose a plurality of expander points in substantially circumferential arrangement inside the housing, and adapted to move into radial engagement with an inside diameter said expander points being urged to move radially outward with sufficient force to yield and expand a diametrical portion of the flow tube into engagement with the non-moveable seat in the safety valve, thereby permanently locking the valve closure member in the open position. *Dickson, et al.* therefore fails to teach each and every one of the limitations of claims 1, 5, 17-20, 22, and 33, and this failure precludes *Dickson, et al.* from anticipating claims 1, 5, 17-20, 22, and 33. For this reason, Applicants submit that claims 1, 5, 17-20, 22, and 33 are in condition for allowance and respectfully request withdrawal of the § 102(b) rejection of claims 1, 5, 17-20, 22, and 33.

Meaders, et al. discloses a perforating lockout tool (24) for a subsurface safety valve (SSV). In operation, the lockout tool (24) is disposed in the SSV at a predetermined position. Next, a flapper (56) is opened by moving an operating sleeve (52) downward. Thereafter, a punch (92) in the lockout tool (24) is urged radially outward to perforate a piston tube (42) to prevent the piston tube (42) and the operating sleeve (56) from sliding upward relative to the housing subassembly, thereby locking the flapper (56) in the open position. (See *Meaders, et al.*, col. 6, lines 29-39) Additionally, it should be noted that the punch (92) disclosed in *Meaders, et al.* appears to perforate the piston tube (42) in only a single location. Nowhere does *Meaders, et al.* disclose a plurality of expander points in substantially circumferential arrangement inside the housing, and adapted to move into radial engagement with an inside diameter said expander points being urged to move radially outward with sufficient force to yield and expand a diametrical portion of the flow tube into engagement with the non-

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moveable seat in the safety valve, thereby permanently locking the valve closure member in the open position. *Meaders, et al.* therefore fails to teach each and every one of the limitations of claims 1, 5, 17-20, 22, and 33, and this failure precludes *Meaders, et al.* from anticipating claims 1, 5, 17-20, 22, and 33. For this reason, Applicants submit that claims 1, 5, 17-20, 22, and 33 are in condition for allowance and respectfully request withdrawal of the § 102(b) rejection of claims 1, 5, 17-20, 22, and 33.

Allowable Subject Matter

The Examiner indicated that claims 23-26 and 29-32 are allowed. Applicants appreciate allowance of claims 23-26 and 29-32.

The Examiner objected to claims 2-4, 6-16, 21, and 34-37 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed above, Applicants believe claims 1, 19, and 33 are in condition for allowance. Therefore claims 2-4, 6-16, 21, and 34-37 which depend upon claims 1, 19, and 33 should be allowable for at least the same reasons as claims 1, 19, and 33.

The Examiner stated that claims 27 and 28 would be allowable if rewritten to overcome the objections set forth in paragraph 3 of the office action. As stated above, Applicants have amended claims 27 and 28 accordingly and therefore respectfully request allowance of the same.

Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a

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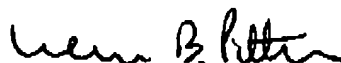
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detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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